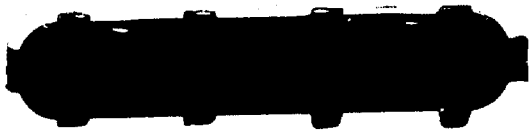


**ZB# 08-07**

**Daniel Spies**

**54-1-37**



ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

March 24, 2008

08-019 Daniel Spies (Hrea)  
209 Bethlehem Rd. (54-1-3)

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 54-1-37

In the Matter of the Application of

**DANIEL SPIES**

MEMORANDUM OF  
DECISION GRANTING

**AREA**

CASE #08-07

**WHEREAS, Sean Sanner represented Daniel Spies , owner(s) of 209 Bethlehem Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 28 ft. Side Yard Setback for proposed addition to single family home at 209 Bethlehem Road in an R-1 Zone (54-1-37)**

**WHEREAS, a public hearing was held on March 24, 2008 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and**

**WHEREAS, the Sean Sanner, Contractor appeared on behalf of this Application; and**

**WHEREAS, there were no spectators appearing at the public hearing; and**

**WHEREAS, no one spoke in favor of or in opposition to the Application; and**

**WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and**

**WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:**

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.
  - (b) The applicant seeks to place an addition on their existing home which will expand the living room and the bathroom of their existing house.
  - (c) In constructing the addition, the applicant will not remove any trees or substantial vegetation.

- (d) In building the addition, the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements
- (e) In building the addition, the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (f) Since the addition has been constructed, there have been no complaints, either formal or informal, about the addition
- (g) With the addition, the house will be similar in size and nature to other houses in the neighborhood.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

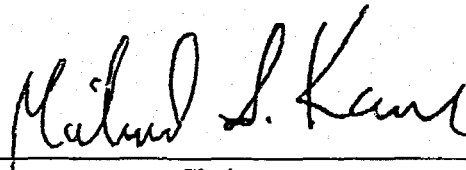
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 28 ft. Side Yard Setback for proposed addition to single family home at 209 Bethlehem Road in an R-1 Zone (54-1-37) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: march 24, 2008

A handwritten signature in black ink, reading "Michael S. Kane", is written over a horizontal line.

Chairman

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: JACK FINNEGAN, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: AUGUST 5, 2008**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 183.60 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #08-07**

**NAME & ADDRESS:**

**Daniel Spies  
209 Bethlehem Road  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**J.F.08-05-08**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #08-07      TYPE: AREA      TELEPHONE: 527-2180

**APPLICANT:**

Daniel Spies  
209 Bethlehem Road  
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>1089</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      RESIDENTIAL \$300.00      CHECK # 1090

~~~~~

| <u>DISBURSEMENTS:</u> | <u>MINUTES</u>       | <u>ATTORNEY</u> |
|-----------------------|----------------------|-----------------|
|                       | <u>\$7.00 / PAGE</u> | <u>FEE</u>      |

|                              |          |       |                 |                 |
|------------------------------|----------|-------|-----------------|-----------------|
| PRELIMINARY:                 | <u>2</u> | PAGES | \$ <u>14.00</u> | \$ <u>35.00</u> |
| 2 <sup>ND</sup> PRELIMINARY: | ___      | PAGES | \$ _____        | \$ _____        |
| PUBLIC HEARING:              | <u>3</u> | PAGES | \$ <u>21.00</u> | \$ <u>35.00</u> |
| PUBLIC HEARING:              | ___      | PAGES | \$ _____        | \$ _____        |

LEGAL AD: Publish Date: 03-08      \$ 11.40

TOTAL:      \$ 46.40      \$ 70.00

~~~~~

ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:      \$ 116.40

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 183.60

Cc:

J.F. 08-05-08



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #08-07      TYPE: AREA      TELEPHONE: 527-2180

**APPLICANT:**

Daniel Spies  
209 Bethlehem Road  
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>1089</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      RESIDENTIAL \$300.00      CHECK # 1090

~~~~~

| <u>DISBURSEMENTS:</u> |  | MINUTES              | ATTORNEY   |
|-----------------------|--|----------------------|------------|
|                       |  | <u>\$7.00 / PAGE</u> | <u>FEE</u> |

|                              |          |       |                 |                 |
|------------------------------|----------|-------|-----------------|-----------------|
| PRELIMINARY:                 | <u>2</u> | PAGES | <u>\$ 14.00</u> | <u>\$ 35.00</u> |
| 2 <sup>ND</sup> PRELIMINARY: | —        | PAGES | <u>\$ _____</u> | <u>\$ _____</u> |
| PUBLIC HEARING:              | <u>3</u> | PAGES | <u>\$ 21.00</u> | <u>\$ 35.00</u> |
| PUBLIC HEARING:              | —        | PAGES | <u>\$ _____</u> | <u>\$ _____</u> |

LEGAL AD: Publish Date: 03-08      \$11.40

TOTAL:      \$ 46.40      \$ 70.00

~~~~~

ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:      \$ 116.40

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 183.60

Cc:

J.F. \_\_\_\_\_

February 25, 2008

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DANIEL SPIES (08-07)

MR. KANE: Request for 28 foot side yard setback for proposed addition to single family home at 209 Bethlehem Road.

Mr. Daniel Spies appeared before the board for this proposal.

MR. KANE: State your name, address, speak loud enough for the young lady to hear you.

MR. SPIES: Daniel Spies, 1208 Bethlehem Road, New Windsor, New York.

MR. KANE: Can you tell us what you want to do?

MR. SPIES: I want to expand the side of my house by 8 feet which would enlarge my living room and a half bath.

MR. KANE: In looking at the picture in front of us you're going towards the right?

MR. SPIES: Yes.

MR. KANE: And we're just going out eight foot, is that going to be both floors?

MR. SPIES: No.

MR. KANE: Just for the bottom?

MR. SPIES: Yes, lower floor.

MR. KANE: And this also this area also got hit with the change from 20 to 40?

MR. BABCOCK: That's correct. If you notice his house is, entire existing house is right now is not 40 feet

February 25, 2008

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from the property line.

MR. KANE: Right. Cutting down any trees, substantial vegetation in the building of the addition?

MR. SPIES: No.

MR. KANE: Creating any water hazards or runoffs?

MR. SPIES: No.

MR. KANE: Any easements running through the area where the addition is proposed?

MR. SPIES: No.

MR. KANE: We have pictures, we've got enough. Any further questions at this time? I'll accept a motion.

MR. BEDETTI: I'll make the motion that we schedule a public hearing for Mr. Daniel Spies for a variance as requested.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

March 24, 2008

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DANIEL SPIES (08-07)

MR. KANE: Daniel Spies, request for 28 foot side yard setback for proposed addition to single family home at 209 Bethlehem Road. I'll ask if there's anybody in the audience for this particular hearing? Okay, you're on.

Mr. Shawn Sanner appeared before the board for this proposal.

MR. SANNER: They're looking to extend the living room and the bathroom of their existing house, the existing living room is a little bit narrow so they're looking to go out the side of the house, the space between the two houses there isn't any easements or power lines or anything running through there and that's actually they're also looking to extend the deck so that it carries through the look around the side and the front of the house.

MS. LOCEY: So the addition more or less will make that seem symmetrical?

MR. SANNER: Right, the living room is fairly, fairly narrow because the way the staircase is placed in the house so my only assumption is that it was an addition to start off with when the house was originally built and they made it narrow.

MR. KANE: Two story addition?

MR. SANNER: One story addition, it's only extending on the bottom floor, it's going to extend the living room and the downstairs bathroom.

MR. KANE: Cutting down any substantial vegetation or trees in the buildings of the addition?

MR. SANNER: No.

March 24, 2008

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MR. KANE: Creating water hazards or runoffs?

MR. SANNER: No.

MR. KANE: Any easements running through the area where you're planning to put the addition?

MR. SANNER: No.

MR. KANE: And on the other side of your home for the record is the driveway and the garage?

MR. SANNER: Right and the shed.

MR. KANE: The size of the addition?

MR. SANNER: And the kitchen is on that side of the house.

MR. KANE: Will the addition to this home make the home bigger than other homes in the neighborhood?

MR. SANNER: No, not really, it's going to conform with the general geographics of the area.

MR. KANE: And you said this was an addition to the living room?

MR. SANNER: It affects the bathroom as well so right now it's like a half bath that pretty much you turn one way and you turn the other way, it's a very narrow three foot bath.

MR. KANE: Well and septic?

MR. SANNER: Yes.

MR. KANE: At this point, I will open it up to the public, ask once more if there's anybody here for this particular hearing? Seeing as there's not, we'll close

March 24, 2008

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the public portion of the hearing and ask Myra how many mailings we had?

MS. MASON: On the 12th day of March, I mailed out 15 addressed envelopes and had no response.

MR. KANE: Further questions from the board?

MS. LOCEY: No.

MR. TORPEY: No.

MR. BEDETTI: No.

MR. KANE: I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the requested variance on the application of Daniel Spies as detailed on the Zoning Board of Appeals agenda dated March 24, 2008.

MR. BEDETTI: I'll second the motion.

ROLL CALL

MR. BEDETTI	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF:

March 24, 2008

PROJECT:

Daniel Spies

ZBA #

08-07

P.B.#

USE VARIANCE:

LEAD AGENCY: M)      S)      VOTE: A      N     

VOLPE  
BEDETTI  
LOCEY  
TORPEY  
KANE

CARRIED: Y      N     

PUBLIC HEARING: M)      S)      VOTE: A      N     

VOLPE  
BEDETTI  
LOCEY  
TORPEY  
KANE

CARRIED: Y      N     

NEGATIVE DEC: M)      S)      VOTE: A      N     

VOLPE  
BEDETTI  
LOCEY  
TORPEY  
KANE

CARRIED: Y      N     

APPROVED: M)      S)      VOTE: A      N     

VOLPE  
BEDETTI  
LOCEY  
TORPEY  
KANE

CARRIED: Y      N     

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M)      S)     

VOTE: A      N     

VOLPE  
BEDETTI  
LOCEY  
TORPEY  
KANE

CARRIED: Y      N     

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES ✓

VARIANCE APPROVED:

M) Lo S) B VOTE: A 4 N 0

~~VOLPE~~

BEDETTI

LOCEY

TORPEY

KANE

A  
A  
A  
A

CARRIED: Y ✓ N     

AGENDA DATE:

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

**JENNIFER GALLAGHER**  
Notary Public, State of New York  
No. 01GA6050024  
Qualified in Orange County  
Commission Expires 10/30/12

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

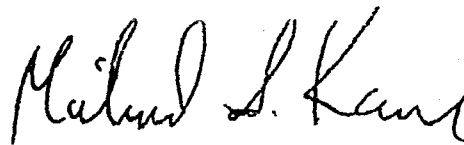
**Appeal No. (08-07)**

**Request of DANIEL SPIES**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 28 ft. Side Yard Setback for proposed addition to single family home at 209 Bethlehem Road in an R-1 Zone (54-1-37)**

**PUBLIC HEARING will take place on March 24<sup>th</sup>, 2008  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York  
beginning at 7:30 P.M.**

A handwritten signature in black ink, appearing to read "Michael S. Kane", written over a horizontal line.

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

J. Todd Wiley, Assessor

February 29, 2008

Daniel Spies  
209 Bethlehem Road  
New Windsor, NY 12553

Re: 54-1-37

ZBA: 08-07 (15)

Dear Mr. Spies:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/td  
Attachments

CC: Myra Mason, ZBA

54-1-33  
Irmgard Koppenhoefer  
PO Box 152  
Mountainville, NY 10953

54-1-34  
Central Hudson Gas & Electric Co.  
284 South Avenue  
Poughkeepsie, NY 12602

54-1-35.1  
Alisa Galli & Angela Civala  
212 Bethlehem Road  
New Windsor, NY 12553

54-1-35.2  
Robert & Judith Timberger  
202 Bethlehem Road  
New Windsor, NY 12553

54-1-36  
Bryan & Barbara Noe  
203 Bethlehem Road  
New Windsor, NY 12553

54-1-38, 54-1-39.1  
Robert Garrett & Auge Benita  
213 Bethlehem Road  
New Windsor, NY 12553

54-1-39.2  
JMA 6, LLC  
380 Mt Airy Road  
New Windsor, NY 12553

Windemere Estates, LLC  
PO Box 1742  
Wappingers Falls, NY 12590

57-1-11.2  
Elizabeth & Thomas O'Shea  
182 Bethlehem Road  
New Windsor, NY 12553

57-1-11.3  
James & Denise Luhrs  
192 Bethlehem Road  
New Windsor, NY 12553

57-1-11.4  
Jose & Lucille Delgado  
198 Bethlehem Road  
New Windsor, NY 12553

57-1-9.2  
Anthony Kroll  
155 Bethlehem Road  
New Windsor, NY 12553

57-1-10  
George Frances  
187 Bethlehem Road  
New Windsor, NY 12553

76-1-1  
Danavan Evering & Janice Suckra  
3409 Red Coat Drive  
New Windsor, NY 12553

76-1-2  
Neil & Francesca Moreno  
3507 Red Coat Drive  
New Windsor, NY 12553

**TOWN OF NEW WINDSOR**  
**REQUEST FOR NOTIFICATION LIST**

CHECKED BY MYRA: 02-25-08 MM

DATE: 02-26-08 PROJECT NUMBER: ZBA# 08-07 P.B. # \_\_\_\_\_

APPLICANT NAME: DANIEL SPIES

PERSON TO NOTIFY TO PICK UP LIST:

Daniel Spies  
209 Bethlehem Road  
New Windsor, NY 12553

TELEPHONE: 527-2180

TAX MAP NUMBER: SEC. 54 BLOCK 1 LOT 37  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY LOCATION: 209 BETHLEHEM ROAD  
NEW WINDSOR, NY

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION \_\_\_\_\_  
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 1091

TOTAL CHARGES: \_\_\_\_\_

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 02-25-08

FOR: 08-07 ESCROW

FROM:

**Daniel Spies**  
**209 Bethlehem Road**  
**New Windsor, NY 12553**

CHECK FROM:  
SAME

CHECK NUMBER: 1090

TELEPHONE: 527-2180

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

DATE

J. J. Harvey 2-29-08

ZBA #08-07 ESCROW

DANIEL A. SPIES 527-2180 1-2 3378 1090  
FLORENCE L. SPIES 210  
209 BETHLEHEM RD. 6801202185  
NEW WINDSOR, NY 12553-8902 DATE 2/11/08

FAY TO THE ORDER OF THE TOWN OF NEW WINDSOR \$ 300.00

Three hundred and 00/100 DOLLARS

CHASE  
JPMorgan Chase Bank, N.A.  
New York, New York 10017  
www.Chase.com

MEMO ESCROW

021000021 6801202185 1090



RESULTS OF Z.B.A. MEETING OF: February 25, 2008

PROJECT: Daniel Spies

ZBA # 08-07  
P.B.#

**P.B.#**

**USE VARIANCE:**

LEAD AGENCY: M)\_\_\_\_\_S)\_\_\_\_\_ VOTE: A\_\_\_N\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y\_\_\_\_N\_\_\_\_\_

**PUBLIC HEARING: M)**\_\_\_\_\_ **S)**\_\_\_\_\_ **VOTE: A**\_\_\_\_\_ **N**\_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y\_\_\_\_\_N\_\_\_\_\_

**NEGATIVE DEC:** M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y\_\_\_\_\_N\_\_\_\_\_

APPROVED: M)\_\_\_\_\_S)\_\_\_\_\_ VOTE: A\_\_\_\_\_N\_\_\_\_\_

VOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y\_\_\_\_\_N\_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

**SCHEDULE PUBLIC HEARING:** M) B S) I VOTE: A 4 N 0

VOLPE  
BEDETTI  
LOCEY  
TORPEY  
KANE

CARRIED: Y ✓ N       

**PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES** \_\_\_\_\_

**VARIANCE APPROVED:**      M)\_\_\_ S)\_\_\_    VOTE: A\_\_\_ N\_\_\_.

YOLPE \_\_\_\_\_  
BEDETTI \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

**CARRIED: Y\_\_\_\_\_N\_\_\_\_\_.**

AGENDA DATE: \_\_\_\_\_

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: January 24, 2008**

**APPLICANT: Daniel Spies  
209 Bethlehem Road  
New Windsor, NY 12553**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 1/23/08**

**FOR : Proposed 8'x27'6" addition**

**LOCATED AT: 209 Bethlehem Road**

**ZONE: R-1 Sec/Blk/ Lot: 54-1-37**

**DESCRIPTION OF EXISTING SITE: One family house**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Proposed addition will not meet minimum 40' side yard set-back.**

  
**BUILDING INSPECTOR**

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-1    USE:    Bulk Tables F-5

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

40'

12'

28'

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

*2/6/08 Sent Applicant*

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
**IMPORTANT**  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number and Tax Parcel ID #, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Water and Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

JAN 23 2008

FOR OFFICE USE ONLY:  
Building Permit #: 2008-60

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP. DISABILITY & LIABILITY INSURANCE**  
**CERTIFICATES ARE REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR**  
**ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Don + Flo Spies  
Address 209 Bethlehem Rd New Windsor Phone # 845-527-2180  
Mailing Address 209 Bethlehem Rd New Windsor 12553 Fax # 845-778-8535  
Name of Architect Greg Wiantje / Hank Smith Architects / Designers  
Address 65 Old Turnpike Bloomingburg Phone 845-733-4915  
Name of Contractor Shawn Sanner / J+S Custom Home Imp.  
Address Po Box 117 Vails Gate NY 12584 Phone 845-361-4407  
State whether applicant is owner, lessee, agent, architect, engineer or builder Builder

MAK  
ZBA

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of Bethlehem Rd  
(N,S,E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_
2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N X
3. Tax Map Description: Section 54 Block 1 Lot 37
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.  
a. Existing use and occupancy 1 family dwelling b. Intended use and occupancy 1 family dwelling
5. Nature of work (check if applicable) ☐ New Bldg. ☒ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? No
7. Dimensions of entire new construction. Front 8 Rear 8 Depth 27'6" Height 12 No. of stories 1
8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_  
Number of bedrooms 0 Baths 1 Toilets 1 Heating Plant: Gas \_\_\_\_\_ Oil 1  
Electric/Hot Air \_\_\_\_\_ Hot Water ✓ If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost 16,000.00

Fee

\$50.00

**PAID**

CK # 1118

**ZONING BOARD**

21  
2.5A  
DISTRICT

20  
3.2A  
HOOL  
HOOL

DISTRICT

AGRICULTURAL

22.2  
63A

22.1  
12A

CENTRAL  
CENTRAL

43.21  
33.3A

44.2  
69.5A(C)

39.2  
26.4A

WASHINGTONVILLE  
CORNWALL

39.1  
10A

LYDECKER

42  
3.5A

40.1  
2.3A

32  
2A(C)

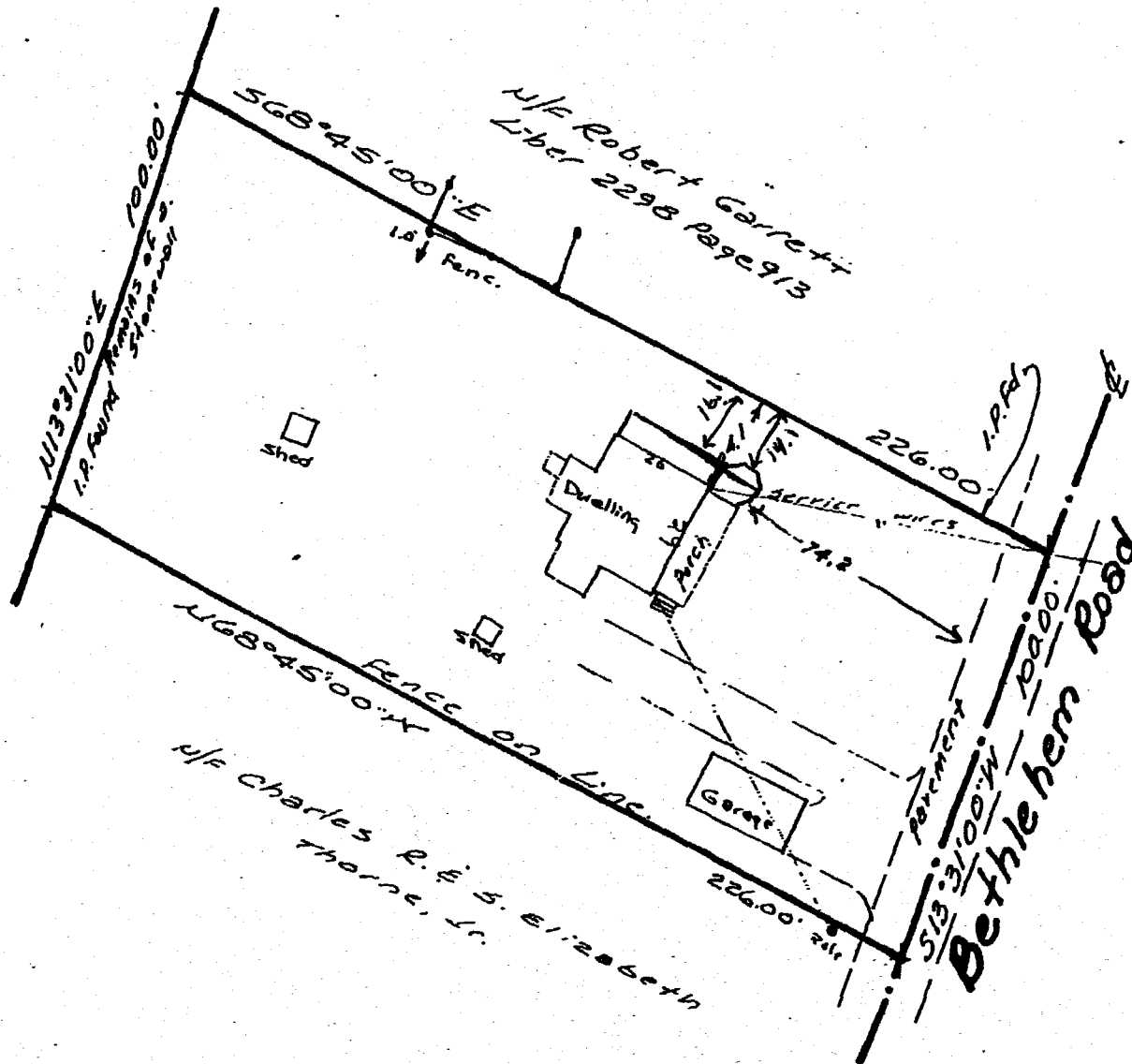
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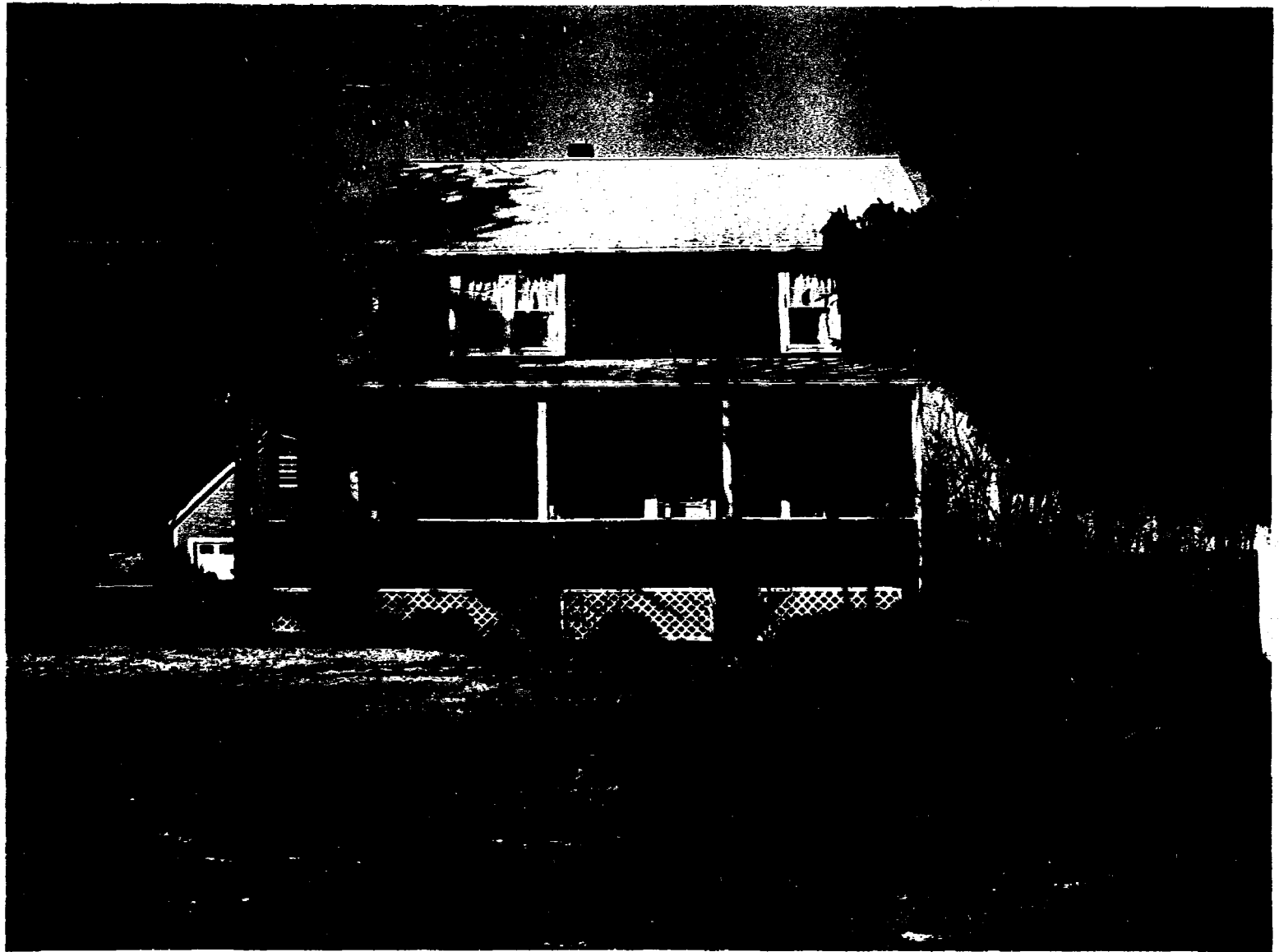
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C.H.G.B.E.

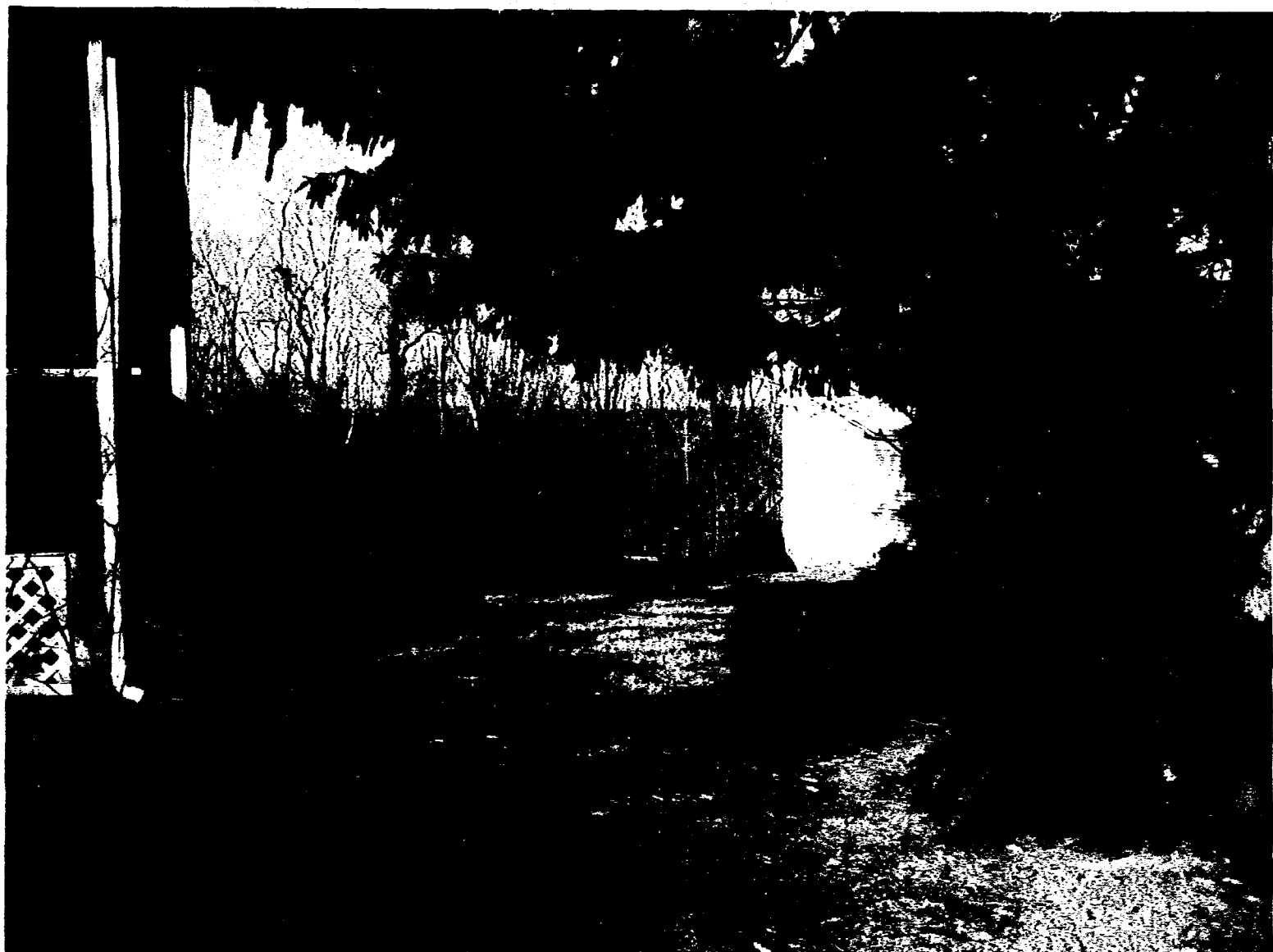
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SECT

Town of New Windsor Tax  
Section 54 Block 1 Lot 3



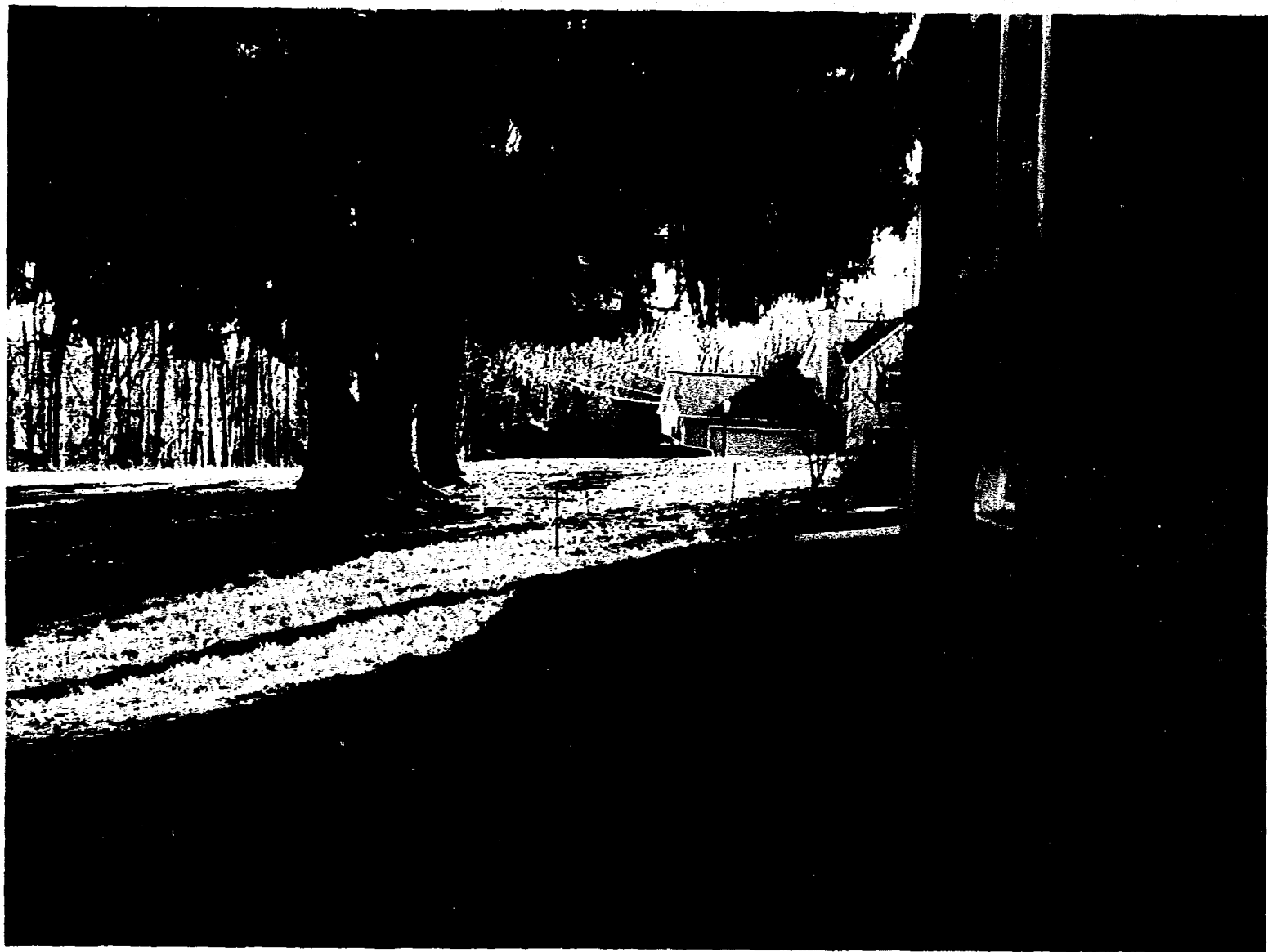














**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE**

2/11/08  
Date

Application Type: Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☐

e-mail address: dan@gdspies.com  
Phone Number: (845) 527-2180  
Fax Number: ( )

**I. Owner Information:**

DANIEL A. SPIES  
(Name)  
209 BETHLEHEM ROAD, NEW WINDSOR, NY 12553  
(Address)

**II. Applicant:**

DANIEL A. SPIES  
(Name)  
209 BETHLEHEM ROAD  
(Address)  
NEW WINDSOR, NY 12553

e-mail address: dan@gdspies.com  
Phone Number: (845) 527-2180  
Fax Number: ( )

**III. Forwarding Address, if any, for return of escrow:**

Phone Number: ( )  
Fax Number: ( )  
  
(Name)  
  
(Address)

**IV. Contractor/Engineer/Architect/Surveyor/:**

Phone Number (845) 567-1708  
Fax Number: ( )  
J+S CUSTOM HOME IMPROVEMENTS  
(Name)  
P.O. Box 117, VAILS GATE, NY 12584  
(Address)

**V. Property Information:**

Zone: R-1 Property Address in Question: 209 BETHLEHEM RD, NEW WINDSOR, NY  
Lot Size: 226' x 100' Tax Map Number: Section 54 Block 1 Lot 37  
a. Is pending sale or lease subject to ZBA approval of this Application? NO  
b. When was property purchased by present owner? 1985  
c. Has property been subdivided previously? NO If so, When: \_\_\_\_\_  
d. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO

\*\*\*\*PLEASE NOTE:\*\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Disapproval form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	40'	12'	28'
Total Side Yd.			
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ratio**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

- IX. \*\*In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS SPECIFICALLY:

1. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; NO. THIS EXPANSION WILL MEET OUR NEEDS WITH THE LEAST POSSIBLE CHANGE IN OUR PROPERTY.
2. Whether the requested area variance is substantial; NO, THE ADDITION IS 8' BEYOND CURRENT WALL.
3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; NO. THE ADDITION IS ON THE SIDE OF THE HOUSE AND WILL NOT BE A SIGNIFICANT CHANGE IN THE PHYSICAL OR ENVIRONMENTAL CONDITIONS.
4. Whether the alleged difficulty was self-created. NO. ORIGINAL ROOM WAS 15'9" X 10'3" AND WE WISH TO EXPAND ORIGINAL AREA BY 8'

\*\*After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

EXTERNALLY, THE EXPANSION WILL IMPROVE THE LOOK OF THE HOUSE WITHOUT INFRINGING ON OUR NEIGHBORS. INTERNALLY, IT WILL MAKE FOR A MORE COMFORTABLE LIVING ENVIRONMENT FOR OUR EXISTING AND GROWING FAMILY.  
PLEASE NOTE: THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

WE PLAN TO CONTINUE TO MAINTAIN THE HIGH QUALITY OF OWNERSHIP WE NOW DISPLAY IN OUR PROPERTY

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

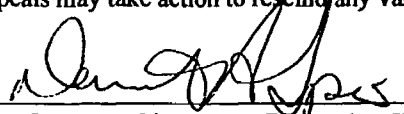
) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

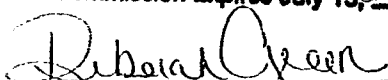
Sworn to before me this:

12<sup>th</sup> day of Jul 2008.

  
Owner's Signature (Notarized)

\_\_\_\_\_  
Owner's Name (Please Print)

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
#4984065  
Commission Expires July 15, 2011

  
Signature and Stamp of Notary

\_\_\_\_\_  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

DANIEL A. SPIES, deposes and says that he resides  
(OWNER)  
at 209 BETHLEHEM ROAD in the County of ORANGE  
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map  
(Sec.        Block        Lot       )  
designation number (Sec. 54 Block 1 Lot 37) which is the premises described in

the foregoing application and that he authorizes:

SHAUN TANNER  
(Applicant Name & Address, if different from owner)  
JTS CUSTOM HOME IMPRV. PO BOX 117, VALENTIA GATE, NY  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 2/29/08

Sworn to before me this:  
29 day of February 2008

\*\*  
[Signature]  
Owner's Signature (MUST BE NOTARIZED)  
DL# 609-057-641 exp. 02-26-11

Applicant's Signature (If different than owner)

[Signature]  
Signature and Stamp of Notary

**JENNIFER GALLAGHER**  
Notary Public, State of New York  
No. 01GA6050024  
Qualified in Orange County  
Commission Expires 10/30/11

Representative's Signature

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

**\*\* PLEASE NOTE:**

**ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

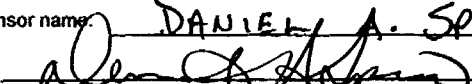
## Appendix C

## State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR <b>DANIEL A. SPIES</b>	2. PROJECT NAME <b>HOME IMPROVEMENT</b>
3. PROJECT LOCATION: Municipality <b>NEW WINDSOR</b> County <b>ORANGE</b>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>209 BETHLEHEM ROAD, approx. 600' SOUTH OF MT. AIRY RD</b>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <b>EXTEND LIVING ROOM AND 1/2 BATH BY 8'</b>	
7. AMOUNT OF LAND AFFECTED: Initially <b>124 S.F.</b> acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <b>DOES NOT MEET 40' REQ'D SIDE YD. SET-BACK</b>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <b>Z.B.A.</b>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <b>DANIEL A. SPIES</b> Date: <b>2/11/08</b> Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment



**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

<p><b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?</b></p> <p><input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p><b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b> If No, a negative declaration may be superseded by another involved agency.</p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>	
<p><b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</b></p> <p><b>C1.</b> Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p style="text-align: center; font-size: 1.2em;">NO</p> <p><b>C2.</b> Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p style="text-align: center; font-size: 1.2em;">NO</p> <p><b>C3.</b> Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p style="text-align: center; font-size: 1.2em;">NO</p> <p><b>C4.</b> A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p style="text-align: center; font-size: 1.2em;">NO</p> <p><b>C5.</b> Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p style="text-align: center; font-size: 1.2em;">NO</p> <p><b>C6.</b> Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p style="text-align: center; font-size: 1.2em;">NO</p> <p><b>C7.</b> Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p> <p style="text-align: center; font-size: 1.2em;">NO</p>	
<p><b>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?</b></p> <p><input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No    If Yes, explain briefly:</p>	
<p><b>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b></p> <p><input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No    If Yes, explain briefly:</p>	

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide, on attachments as necessary, the reasons supporting this determination.</p>	
<p>_____ Name of Lead Agency</p>	<p>_____ Date</p>
<p>_____ Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____ Title of Responsible Officer</p>
<p>_____ Signature of Responsible Officer in Lead Agency</p>	<p>_____ Signature of Preparer (If different from responsible officer)</p>

**Reset**

